



CITY OF FORT SASKATCHEWAN

SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

BYLAW NO. C21-15

A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE FOR THE ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Council of the City of Fort Saskatchewan, duly assembled enacts the “*Subdivision and Development Appeal Board Bylaw*” as follows:

1. DEFINITIONS

For the purposes of this Bylaw, the following words shall mean:

- (a) “Act” means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended or repealed and replaced from time to time;
- (b) “Appellant” means the person who may appeal to the Board in accordance with the Act;
- (c) “Applicant” means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf;
- (d) “Board” means the Subdivision and Development Appeal Board established by Section 2 of this Bylaw;
- (e) “City” means the City of Fort Saskatchewan;
- (f) “Council” means the Council of the City of Fort Saskatchewan;
- (g) “Development Authority” means the Development Authority for the City established by the City’s *Development Authority Bylaw*, as amended or repealed and replaced from time to time;
- (h) “Member” means a Member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
- (i) “Secretary” means the position of Secretary to the Subdivision and Development Appeal Board, who will be appointed by the City Manager.
- (j) “Subdivision Authority” means the Subdivision Authority for the City of Fort Saskatchewan established by the City’s *Subdivision Authority Bylaw*, as amended or repealed and replaced from time to time.

2. ESTABLISHMENT OF AUTHORITY

A Subdivision and Development Appeal Board is hereby established.

3. MEMBERSHIP

- (a) The Board shall consist of five (5) Members.
- (b) Council shall appoint the following Members of the Board, by resolution:
 - (i) Two (2) Members of Council;
 - (ii) Three (3) public-at-large Members;
 - (iii) Two (2) alternate public-at-large Members;
 - (iv) The appointment of Members of Council to the Board terminates when they cease to be a Member of Council; and
 - (v) All public-at-large Members must be of the full age of 18 years, residents of the City for six (6) consecutive months immediately prior to application submission, and shall remain Members only during such time as they continue to be residents of the City.

4. TERM OF OFFICE

- (a) No person shall be appointed as a Member of the Board:
 - (i) who is a City employee; or
 - (ii) who carries out Subdivision or Development powers, duties and functions on behalf of the City;
- (b) Each public-at-large Member or alternate Member shall be appointed for a term of two (2) years. Each Member of Council shall be appointed for a one (1) year term at the City's annual Organizational Meeting.
- (c) Public-at-large Members shall serve no more than two (2) consecutive terms; however, such person may re-apply after an absence of one (1) year.
- (d) In the event of a vacancy, Council may by resolution, appoint a new Member to serve for the remainder of the vacating Member's term.
- (e) Any Member may be removed from the Board at the sole discretion of Council.

5. QUORUM, CHAIR AND RULES OF PROCEDURE

- (a) A quorum at any Board Hearing shall not be less than three (3) Members. The majority of the Board shall not be Members of Council.
- (b) Prior to each Hearing, the Board shall appoint a Chair who will be responsible for the conduct of the Hearing.

- (c) For those matters not covered in the Act, the Regulations thereto, or this Bylaw, the Board will determine the procedures for the conduct of the Hearings.

6. DUTIES OF THE BOARD

- (a) The Board shall hear Appeals from:
 - (i) a decision of the Subdivision Authority, or designate; or
 - (ii) a decision of the Development Authority, or designate.
- (b) At the Hearing on a Subdivision Appeal, the Board may hear from:
 - (i) the Applicant or any person acting on their behalf;
 - (ii) the Subdivision Authority or designate from whose order, decision or development permit the Appeal is made, or a person acting on behalf of the Subdivision Authority;
 - (iii) a person who is given notice of the Hearing and wishes to be heard, or a person acting on their behalf;
 - (iv) by a school board, in accordance with the provisions of the Act; and
 - (v) those people representing government departments if the application is required by the Subdivision and Development regulations to be referred to that department.
- (c) At the Hearing on a Development Appeal, the Board shall hear from:
 - (i) the Appellant or any other person acting on their behalf;
 - (ii) the Development Officer or designate from whose order, decision or development permit the Appeal is made, or a person acting on behalf of the Development Authority;
 - (iii) any other person who was given notice of the Hearing and who wishes to be heard, or a person acting on their behalf; and
 - (iv) any other person who claims to be affected and that the Board agrees to hear.
- (d) An order, decision or approval made, given or issued will be used by the Board as a statement of the Board, under the signature of the Secretary.
- (e) During the Hearing, should the Board desire further technical, legal, or other assistance, it may adjourn pending receipt of such information, opinion or assistance.
- (f) The granting and duration of an adjournment is at the discretion of the Board.

7. APPEALS

- (a) A person shall Appeal to the Board in the manner provided in the Act.
- (b) At the time of submitting the Notice of Appeal, the Appellant shall pay the fee in accordance with the City's *Fees & Charges Bylaw*.
- (c) In the event that an Appeal is abandoned by the Appellant, the Board shall not be obliged to hold the Hearing as required, unless another Notice of Appeal has been served upon the Board, and the appropriate fee has been paid in accordance with the Act and this Bylaw.

8. DUTIES OF THE CHAIR

- (a) The Chair shall be responsible to ensure that all provisions required under the Act are carried out by the Board.
- (b) The Chair shall be empowered to rule if evidence presented to the Board at a Hearing is irrelevant, and shall direct Members of the Board to disregard the evidence.
- (c) A submission may be limited if it is determined by the Chair to be repetitious or irrelevant.
- (d) The Chair shall advise when a Hearing has adjourned and whether a continuation should be necessary. Once the time and date have been fixed, notice of the Hearing continuation will be provided to the affected parties, and to those leaving their contact information with the Secretary.

9. DUTIES OF THE SECRETARY

- (a) On behalf of the Board, the Secretary shall receive any Appeals which have been served upon the Board.
- (b) The Secretary shall prepare an agenda and record the minutes for each Hearing of the Board.
- (c) As required, the Secretary shall carry out duties as may be directed by the Board. An order, decision, approval, notice or other thing made or given by the Board shall be signed by the Secretary on the Board's behalf.

10. CONFLICT OF INTEREST

- (a) Any Member of the Board who has a pecuniary interest in a matter being considered by the Board shall comply with the provisions of the Act.
- (b) Any Member of the Board, who fails to comply with Section 10(a) above, is disqualified from remaining a Member of the Board.

11. REMUNERATION AND EXPENSES

- (a) Remuneration for Members attending Hearings or Board-related training shall be consistent with remuneration for Members of Council.
- (b) Expenses and mileage for Members of the Board shall be reimbursed for those Members who have attended Board-related training.

12. MEMBER AND GENDER REFERENCES

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

13. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

14. REPEAL

Upon passing of Bylaw C21-15, Bylaw C11-11 and all amendments thereto are hereby repealed.

15. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this _____ day of _____ 2015.

READ a second time this _____ day of _____ 2015.

READ a third and passed this day of 2015.

MAYOR

DIRECTOR, LEGISLATIVE SERVICES

Date Signed: _____